UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

PLAYA MAREL, P.M., S.A., et al.,

Plaintiffs,

-vs-

LKS ACQUISITIONS, INC., et al.,

Defendants.

Case No. C-3-06-366

Judge Thomas M. Rose

ENTRY

This matter came before the Court on November 30, 2006, at the request of the parties. There were no motions currently pending.

The Court had previously approved an Agreed Order that dissolved an Extended TRO and enjoined the Plaintiffs from closing the transaction contemplated by the Stock Purchase Agreement until after November 29, 2006, Eastern Standard Time. The Court extended the ban on closing at the request of the Defendants so they could contact the parties to the agreement and “make their arguments.” Counsel for the Defendants indicated that it would not be in the best interest of the Defendants to prevent the closing.

During the telephone conference conducted on November 30, 2006, the Parties discussed various issues surrounding the provision of the contents of the Stock Purchase Agreement to the Defendants. It has been provided to outside Counsel for the Defendants subject to a “for Outside Attorney’s Eyes Only” provision.

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When the discovery issues could not be resolved, Outside Counsel for the Defendants orally requested the Court to extend the prohibition on closing the transaction for another week. Counsel for the Plaintiffs opposed this request and it was denied by the Court. The previous ban on closing had already expired and Counsel for the Defendant's argument as to how it could be or why it should be extended was not well-founded.

Signed in Dayton, Ohio, this Thirtieth day of November, 2006.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record